

AMENDED IN SENATE JUNE 11, 2008

AMENDED IN ASSEMBLY MARCH 24, 2008

CALIFORNIA LEGISLATURE—2007–08 REGULAR SESSION

ASSEMBLY BILL

No. 2783

**Introduced by Assembly Members Plescia and Portantino
(Coauthor: Assembly Member Hancock)**

February 22, 2008

An act to add Section 56344.1 to the Education Code, relating to special education.

LEGISLATIVE COUNSEL'S DIGEST

AB 2783, as amended, Plescia. Special education: foster children: assessment and individualized education program.

~~(1) Existing~~

Existing law establishes a 60-day timeframe, commencing with receipt by a local educational agency of parental consent for a special education assessment, within which the agency is required to determine whether a child is an individual with exceptional needs, to determine the educational needs of the child, to conduct an individualized education program team meeting, and to develop an individualized education program (IEP) that is required as a result of the assessment. Existing law provides that certain specified days are not counted toward the 60-day timeframe for purposes of developing the IEP.

This bill, notwithstanding those provisions, would require a local educational agency to determine whether a pupil who is placed in a rate classification level 12, 13, or 14 group home or a community treatment facility is eligible for special education services and to complete an IEP for the pupil within 30 ~~working~~ *calendar* days, ~~including school days~~

~~and working days for school staff that are not pupil schooldays counting days between the pupil's regular school sessions, terms, or days of school vacation,~~ from the date of receipt of the special education assessment plan prepared for the pupil and signed by the person holding the right to make educational decisions for the pupil.

By requiring local educational agencies to provide a higher level of service by performing duties in a shorter timeframe than is required by existing law, this bill would impose a state-mandated local program.

~~(2) The~~

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. The Legislature finds and declares all of the
2 following:

3 (a) Chapter 862 of the Statutes of 2003 (Assembly Bill 490)
4 and Chapter 914 of the Statutes of 2004 (Assembly Bill 1858)
5 established important provisions ensuring the education rights of
6 pupils placed in the foster care system. It is the intent of this act
7 to support all of the provisions set forth in those statutes and to
8 expand upon the provisions for pupils who have been placed in
9 the most restrictive levels of care, specifically rate classification
10 level 12, 13, or 14 group homes and community treatment facilities.

11 (b) Pupils who experience a sudden, pervasive, or prolonged
12 trauma that results in placement in a rate classification level 12,
13 13, or 14 group home or community treatment facility often also
14 experience significant disruption in their living and school
15 placements during a school year.

16 (c) It is not uncommon for a pupil to experience a change in
17 residential placement during the referral and assessment process
18 for special education services.

1 (d) It is critical that these pupils be assessed as comprehensively
2 and expeditiously as possible in order to allow them to be educated
3 appropriately in the least restrictive environment.

4 (e) It is therefore the intent of the Legislature in enacting this
5 act to ensure that the process to develop an individualized education
6 program for a pupil described in this section is accomplished as
7 quickly as possible once a formal consent for a special education
8 assessment has been submitted and the recommended assessment
9 plan has been signed by the person holding the right to make
10 educational decisions for the pupil.

11 SEC. 2. Section 56344.1 is added to the Education Code, to
12 read:

13 56344.1. Notwithstanding any other provision of law, a local
14 educational agency shall do both of the following within 30
15 ~~working days, including schooldays and working days for school~~
16 ~~staff that are not pupil schooldays~~, *calendar days, counting days*
17 *between the pupil's regular school sessions, terms, or days of*
18 *school vacation*, of receipt of a special education assessment plan
19 that is prepared for a pupil placed in a rate classification level 12,
20 13, or 14 group home or a community treatment facility and signed
21 by the person holding the right to make educational decisions for
22 the pupil:

23 (a) Determine whether the pupil is eligible for special education
24 services.

25 (b) Complete the individualized education program for the pupil.

26 SEC. 3. If the Commission on State Mandates determines that
27 this act contains costs mandated by the state, reimbursement to
28 local agencies and school districts for those costs shall be made
29 pursuant to Part 7 (commencing with Section 17500) of Division
30 4 of Title 2 of the Government Code.